IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 2625 OF 2006

Sharda Foundation, Mumbai
and another. ... Petitioners.

V/s.

The State of Maharashtra
and others. ... Respondents.

Mr.C.K.Thomas i/b. M/s.C.K.Thomas & Co.
for the petitioners.

Ms.S.M.Dandekar, AGP for respondent Nos.1 and 2.

CORAM : F.I.REBELLO AND ANOOP V. MOHTA, JJ.

DATED : 17th November, 2006.

P.C. :

. The case of the petitioners is that on 17th February, 2005, they applied to the Education Inspector, Brihanmumbai South Division, Mumbai to get minority linguistic society certificate. Learned counsel for the petitioners relied on the provisions of the National Commission for Minority Educational Institutions (Amendment) Act, 2006. He has, specifically, relied on section 10(3) of the said Act to submit that since their application has not been disposed of within 90 days it should be presumed that there is deemed permission.

2. We are unable to agree with the submission made by learned counsel on behalf of the petitioners. After the Amendment Act has come into force for grant of minority certificate, applications have to be made to the Competent Authority. The application dated 17th February, 2005 has not been addressed to the Competent Authority. Once that is the case, there is no question of deemed permission. It is only in the event petitioners had applied to the Competent Authority and complied with other requirements, the issue of deemed permission would arise. In these circumstances, the submission urged on behalf the petitioners, in our opinion, is devoid of merit.

3. We are not called upon to decide as to the effect of the pending application before the Amendment Act has come into force on 28th March 2006. It is for the petitioners to pursue their application or file fresh application to the Competent Authority.

4. With the above observations, petition stands disposed of.

(ANOOP V. MOHTA, J.) (F.I.REBELLO, J.)